

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:19-cr-00693 -SNLJ
)	
DAVID CURTIS PRESIDENT,)	
)	
Defendant.)	

SENTENCING MEMORANDUM FOR DEFENDANT DAVID PRESIDENT

COMES NOW Defendant David President, by and through his undersigned counsel, and requests that after consideration of the recommended Guideline range and the applicable §3553(a) factors set forth in the pre-sentence investigation report, the Court follow the joint recommendation of the parties and impose a sentence of 216-months (18-years).

Introduction

Defendant has pleaded guilty to two counts of armed carjacking and two counts of possession of a firearm in furtherance of crimes of violence.¹ Pursuant to the plea negotiations, which led to the guilty plea in this matter, the parties have agreed to recommend the Court impose a sentence of 216-months (18-years) (see P.S.R., ¶3). The Defendant asks the Court to follow this joint recommendation.

¹ In violation of 18 U.S.C. §2119 and 18 U.S.C. §924(c)(1)(A).

Discussion

Applying the stipulated case facts to the Guidelines, the United States Probation Officer suggests the appropriate U.S.S.G. range, when calculated in conjunction with the applicable statutory mandatory minimum consecutive sentences for Counts 2 and 4, is 280 to 305-months.²

A sentence of 216-months (18-years) is not far outside of the U.S.S.G. recommendation and is a serious sentence which reflects the seriousness of the offenses, promotes respect for the law, and which provides just and sufficient punishment for the offenses, but is not greater than necessary to satisfy the factors of §3553(a).

Defendant respectfully requests the Court follow the joint recommendation of the parties and impose a sentence of 18-years (216-months).

WHEREFORE, after considering the U.S.S.G. recommendations and the factors set forth in §3553(a) discussed in the pre-sentence investigation report, Defendant respectfully requests that the Court:

- a) Impose the jointly recommended sentence of the parties of 216-months.

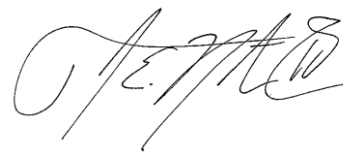
² Calculated on the basis of a total offense level of 25 and a criminal history category of V, plus the applicable statutory mandatory minimums. See P.S.R., ¶¶99-101 (R. Doc 64).

- b) Recommend that this sentence be ordered to run concurrently to any sentences imposed in *State of Missouri v. David President, Cause Nos. 17SL-CR09565-01 (St. Louis County, Missouri) and 1922-CR02608-01 (St. Louis City, Missouri)*. The judges in those matters will of course retain the discretion to order their sentences (if any) run concurrently or consecutively with the sentence in this matter.
- c) Impose a period of supervised released in an amount determined to be reasonable by the Court.
- d) Waive any fines considering the Defendant's inability to pay.
- e) Recommend to the Bureau of Prisons that:
 - a. Defendant be evaluated for participation in any available educational, vocation, or treatment programing; and
 - b. That to the extent possible the Defendant be housed as close to the St. Louis area as possible.

And for such further relief as the Court may deem just and proper in the premises.

NEWTON BARTH, L.L.P

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was electronically served on all parties of record via the court's e-filing System on this 23rd day of November 2022.